
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

KEITH RUSSELL JUDD,

Plaintiff,

versus

UNITED STATES OF AMERICA,

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 1:08-CV-63

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Keith Russell Judd, an inmate confined within the Bureau of Prisons, proceeding *pro se*, filed this civil rights lawsuit.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The magistrate judge recommends this lawsuit be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

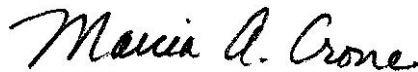
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED.R.CIV.P. 72(b). After careful consideration, the court concludes the objections are without merit. The magistrate judge's recommendation was based on his conclusion that as plaintiff previously had at least four prior lawsuits or appeals dismissed as frivolous, he

could not proceed with this case on an *in forma pauperis* basis. In his objections, plaintiff states campaign supporters have told him the filing fee for this lawsuit has been sent to the court. However, while more than two months have passed since plaintiff's objections were filed, the filing fee has not been received by the court. As a result, this case will be dismissed.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 25th day of April, 2008.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE